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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,422	05/22/1998	SCOTT CLARE	016325-00221	3984

21586 7590 10/15/2002

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EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/083,422	Applicant(s) Clare et al.
Examiner Dennis H. Pedder	Art Unit 3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 13, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See attached listing is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 94, 96, 97, 126, and 127 is/are allowed.
- 6) ☒ Claim(s) Remaining claims not objected and allowed (see detailed listing within) is/are rejected.
- 7) ☒ Claim(s) 57, 74, and 87 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 89 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 89 lacks antecedent to "bowed side panels".

3. A new reference is before the examiner and is made of record in this application, necessitating a new ground of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 114, 116, 118, 124 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamel.

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The outward bow to the side panels can be clearly seen in figures 2 and 3, extending from the roof.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 123 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel.

Key actuated locks are common knowledge in this art and in society in general and cannot form the basis of a claim to patentability as a result.

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8. Claims 49-56, 58, 60, 85-86, 89, 92, 93, 98-99, 101, 105, 106, 108, 109, 111, 113, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel in view of either Powers or Douglass, Jr. US 3,068,038.

Hamel has all claimed details less the short extension of the storage area, a feature known in this art as evidenced by either Powers as can be clearly seen in figures 3 and 5, or Douglass, Jr. as can be seen in figure 3. It would have been obvious to one of ordinary skill in the art to provide in Hamel a storage area of slightly lesser depth relative the wheel well as taught by Powers or substantially equal depth as taught by Douglass, Jr. in order to maximize the main cargo area between the storage area.

As to claim 53, the latches can be seen in figure 1 of Hamel as can the struts, claim 56.

As to claim 108, process steps are not given patentable weight in a product claim, MPEP 2113.

9. Claims 59 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel in view of Gallagher et al..

It would have been obvious to one of ordinary skill in the art to provide in Hamel a drain/relief valve as taught by Gallagher et al. at 18 in order to drain excess moisture.

10. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel in view of Itoh.

It would have been obvious to one of ordinary skill in the art to provide in Hamel seating in the cargo area as taught by Itoh in order to use the vehicle for multiple functions.

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11. Claims 61-62, 64-73 are rejected under 35 U.S.C. 102(b) as anticipated by Hamel or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hamel in view of Shelby, Jr..

The wheel well of Hamel is seen partially in figures 1 and 4. The separation width and contour of the side panels are substantially the same as that of the forward cab compartment. The rear-most side door of Hamel is the cab door.

Optionally, It would have been obvious to one of ordinary skill in the art to provide in Hamel a cargo area side door 12, 14 as taught by Shelby, Jr. in order to load from the side. Shelby, Jr. shows the wheel well curve on the side panel.

12. Claims 120-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamel in view of Ward.

It would have been obvious to one of ordinary skill in the art to provide in Hamel a hidden latch, electrically activated via cables 126, 128 as taught by Ward in order to dispense with the visible lock.

Allowable Subject Matter

13. Claims 57, 74, 87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 94, 96-97, 120, 127 are allowed.

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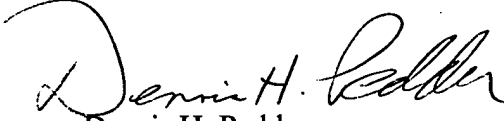
Response to Arguments

15. Applicant's arguments with respect to claims of record rejected above have been considered but are moot in view of the new ground(s) of rejection.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

DHP

October 9, 2002


Dennis H. Pedder
Primary Examiner
Art Unit 3612
10/8/02